

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Prior to the Office Action, claims 1-15 were pending. Through this Reply, claims 16-24 have been added. Therefore, claims 1-24 are pending. Claims 1, 6, 11 and 16 are independent.

DECLARATION NOT DEFECTIVE

In the Office Action, the Examiner alleged that the oath or declaration is defective. *See Office Action, item 2.* In the Office Action, the Examiner alleged that the date of the foreign priority document is incorrect and that the date should be "03/09/2000" and not "09/03/2000" as currently written. *See Declaration submitted on May 17, 2001.*

It should be noted that on page two of the Japanese language declaration form, the date is indeed written as "09/03/2000" as the Examiner noted. However, immediately below the date, it is clearly indicated that the format of the date is day/month/year. Therefore, the priority date of March 9, 2000 is correctly reflected on the Declaration. As such, the Declaration is not defective as the Examiner alleges.

Applicant respectfully requests that the Examiner withdraw the objection to the Declaration.

§ 103 REJECTION – RHOADS, KENNER

Claims 1-15 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Rhoads (USP 5,850,481) in view of Kenner et al. (USP 5,956,716). *See Office Action, items 3-4.* Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part, “obtaining initial image data ... by reading the original image having the original picture and the ID information inseparable from the original picture.” In other words, the initial image data includes the original picture and the embedded ID information. Independent claims 6 and 11 recite similar features.

Contrary to the Examiner’s allegation, Rhoads cannot be relied upon to teach or suggest at least this feature. In the Office Action, the Examiner particularly relied upon Figure 6 of Rhoads to allegedly teach this feature. However, a closer inspection of Figure 6 indicates otherwise.

According to Rhoads, Figure 6 is an example of a real time encoder first illustrated in Figure 5 as a black box. *See column 17, lines 46-57.* As seen in Figure 5, inputs to the real time encoder 202 is the unencoded input signal and the code word and the output of the real time encoder 202 is the identification coded output signal and an optional key data. Presumably, the identification coded output signal includes the input signal embedded with the code word. Since the input signal is unencoded, the input signal cannot teach or suggest an original picture and the ID information inseparable from the original picture as recited.

Indeed, the Examiner's characterization of the input 218 of Figure 6 is in error. In the Office Action, the Examiner indicates that the input 218 is equivalent to reading means as recited for obtaining initial image data representing "an initial (suspect) image recorded." *See Office Action, page 3, lines 7-10.* By "suspect" image, the implication is that the input 218 receives an image data that includes embedded code words.

However, Rhoads clearly states that the input signal is an "unencoded" or a "master" signal. *See column 17, lines 49-50.* In this particular instance, the input signal is a data signal between 8 and 20 bits long provided at a rate of one million samples per second. *See column 17, lines 58-60.* The output 234 of the encoder 202 is the encoded output signal. *See column 18, lines 43-52.* Thus,

contrary to the Examiner's allegation, the encoder as shown in Figure 6 of Rhoads cannot be relied upon to teach or suggest the above-recited feature.

Kenner has not been, and indeed cannot be relied upon to correct for at least this deficiency of Rhoads. Therefore, independent claims 1, 6 and 11 are distinguishable over the combination of Rhoads and Kenner.

Claims 2-5, 7-10, and 11-15 depend from independent claims 1, 6 and 11 directly or indirectly. Therefore, for at least the reasons stated above with respect to the independent claims, these dependent claims are also distinguishable over the combination of Rhoads and Kenner.

Applicant respectfully requests that the rejection of claims 1-15 based on Rhoads and Kenner be withdrawn.

NEW CLAIMS

Claims 16-24 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a two (2) months extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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